IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.2240/2007.

Smt.Deepika Khatri @ Deepika Sharma
Vs.
Banasthali Vidyapith and anr.

Date of order : 10/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Sanjeev Prakash Sharma for the petitioner.
Shri Suresh Pareek for the respondents.

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BY THE COURT:-

Heard learned counsel for the parties.

2) This petition has been filed with the prayer that petitioner be allowed to study in the 3rd Semester. This Court while issuing notices to the respondents vide order dated 9/4/2007 had permitted the petitioner to pursue her studies in 2nd Semester of M.B.A. and also allowed her to appear in the examination with the direction that her result shall be subject to the outcome of the writ petition. The

aforesaid order was modified vide order dated 23/4/2007 whereby petitioner was permitted to appear in the 2nd Semester. It is evident from the record that she was allowed to appear in the 2nd Semester as per the result produced by the respondents before this Court on 24/10/2007 and according to which, she passed in four subjects out of eight. It is not disputed that petitioner did not attend in any of the four practical papers.

3) Learned counsel for the petitioner submits that she was not permitted to attend any practical papers even though respondents could extended such facility to her at the office Banasthali Vidyapith at Jaipur. Learned counsel for the respondents however submits that petitioner was permitted to appear in the examination as a special case because of the order passed by this Court. Otherwise, she was not even entitled to appear therein because she did not complete 70% attendance in four out of eight subjects. Learned counsel for the

respondents further submits that the last date for submission of the admission form for admission to the 3rd Semester was 31/3/2007 and thereafter, 8/5/2007 was the last date for depositing the admission fee for 3rd Semester. Petitioner did neither.

4) Considering the facts of the matter, it is evident that though the petitioner has cleared all subjects of 1st Semester and has cleared 50% of the subjects in 2nd Semester but she has not been formerly admitted to the 3rd Semester.

5) In the circumstances therefore, it would be appropriate to direct the respondents to permit the petitioner to appear in the back papers/uncleared papers of 2nd Semester and also permit her to appear in the practical examinatioins of those subjects as and when next examinations take place because in view of bye-laws (7)(i) of the Banasthali Vidhapith Management, a candidate who has passed out atleast 50% of the papers of the 1st and 2nd

Semesters, is entitled to admission to 3rd Semester.

The writ petition is disposed of with the above referred to direction. However, it is made clear that petitioner would be entitled to admission in 3rd Semester soon after her clearing atleast 50% of the papers of 1st and 2nd Semester together with practicals on her application and depositing the requite fee.

(MOHAMMAD RAFIQ), J.

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